

REMARKS

Applicants appreciate the Examiner's courteous efforts to expedite prosecution of this application during the telephone interview conducted on May 17, 2006. During the interview, the two outstanding grounds for rejection under 35 U.S.C. § 102 were discussed. First, with respect to the outstanding rejection of claims 18-28 under 35 U.S.C. § 102(e) as being anticipated by Toliver (U.S. Patent No. 6,578,882), Applicants explained how Toliver cannot constitute prior art relative to the claimed invention. On October 8, 2004, Applicants submitted a Declaration under 37 C.F.R. § 1.131. The Declaration indicates that the subject matter of this application was invented before the November 10, 2000 filing date of the Provisional application that Toliver appears to rely upon for priority purposes. Since Toliver thus cannot constitute prior art under 35 U.S.C. § 102(e), the Examiner indicated that this grounds for rejection of claims 18-28 would be withdrawn.

Second, with respect to the outstanding rejection of claims 29-36 under 35 U.S.C. § 102(b) as being anticipated by Hegler (U.S. Patent No. 5,996,635), the Examiner indicated that several proposed changes to the claims would distinguish the claimed invention over the prior art of record. The Examiner also indicated that these changes would place the application in condition for allowance, subject to a new search and further consideration of the prior art. With this in mind, Applicants have amended claims 29, 30, and 32 to clarify the claimed invention, and added new claims 37-51 to protect additional aspects of the elected invention. As a result of these amendments, claims 18-25 and 27-51 are currently pending.

In the outstanding Office Action dated April 21, 2006, the Examiner objected to claims 18-25, 27, and 28 based on minor informalities. In response, Applicants have amended claims 18, 21, 24, 25, and 28 to obviate the Examiner's concerns without narrowing the scope of the claimed invention. Applicants have also amended claim 34 to delete the term "continuous" because the previous Amendment canceled this term from independent claim 32. Accordingly, the claims fully comply with U.S. patent practice.

As discussed during the telephone interview with the Examiner, Hegler fails to render the claimed invention unpatentable. Each of the independent claims 29, 30, 32, and 43 recite specific combinations of features that distinguish the invention from the prior art in different ways. For example, independent claim 29 recites a combination that includes, among other things:

an annular reinforcement member extruded around the exterior surface of the female end, the annular reinforcement member having a width that is greater than the width of the sealing element but is not substantially greater than a single corrugation, the annular reinforcement member being disposed substantially upstream from the sealing element and configured to resist loss of sealing engagement between the female end and the sealing element during use of the pipe; and

wherein the female end includes a first material and the annular reinforcement member includes a second material that is different from the first material of the female end,

(claim 29, ll. 6-16). Independent claim 30 recites another combination that includes, for example,

an annular band of reinforcing coating disposed around the exterior surface of the female end at a position along the longitudinal axis thereof that is in general alignment with the sealing element, and structurally configured to preclude the corrugated pipe, which normally expands outwardly when subjected to a predetermined level of interior pressure, from expanding outwardly at the site of the sealing element and losing sealing engagement between the female end and the sealing element

when the pipe is subjected to the predetermined level of interior pressure; and

wherein the annular band of reinforcing coating includes a portion of material that is different from the material of the female end of the corrugated pipe,

(claim 30, ll. 6-16). Independent claim 32 recites yet another combination that includes, *inter alia*,

a ring disposed around the female end and arranged to maintain a seal between an outer surface of the gasket and an inner surface of the female end when the male and female ends are subjected to the predetermined level of internal pressure; and

wherein the ring is not a hose clamp, the female end includes a first material, and the ring includes a second material that has a greater structural rigidity than the first material of the female end,

(claim 32, ll. 7-13). Finally, independent claim 43 recites a combination of that includes, for instance,

a reinforcing member coated around an outer surface of the female end and structurally configured to maintain the seal between the outer surface of the corrugation of the male end and the inner surface of the female end when the pipe is subjected to a predetermined level of interior pressure; and

wherein the female end comprises an extruded plastic material, and the reinforcing member includes an extruded plastic material and one or more of a fiberglass material, a carbon fiber material, or a plastic fiber material,

(claim 43, ll. 5-11). At the very least, Hegler fails to disclose or suggest any of these exemplary features recited in the independent claims 29, 30, 32, and 43.

To establish anticipation under 35 U.S.C. § 102(b), the Examiner must show that each and every feature recited in these claims is either explicitly disclosed or “necessarily present” in a single prior art reference, such as within the four corners of the Hegler patent. See M.P.E.P. § 2131 (7th ed. 1998); *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed.

Cir. 1991). To support a conclusion of anticipation, the Examiner must specifically identify “substantial evidence” setting forth why and how the single prior art reference anticipates each and every feature recited in the claims. *See In re Mullin*, 481 F.2d 1333, 1336-37 (CCPA 1973) (An Examiner’s bare assertion that claims were obviously anticipated by a reference did not inform the Applicant as to why the claims lacked novelty.); *Dickinson v. Zurko*, 527, U.S. 150 (1999) (The U.S. Patent Office’s findings of fact must be reviewed by the substantial evidence standard).

Viewed against this backdrop, each of the Examiner’s factual conclusions must be supported by “substantial evidence” in the documentary record. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1432 (Fed. Cir 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness “less the ‘haze of so-called expertise’ acquire insulation from accountability.” *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b). In this case, however, the Examiner cannot satisfy his burden of demonstrating how Hegler, taken alone or in combination with any other prior art reference, can either anticipate or render obvious each and every one of the limitations present in independent claims 29, 30, 32, and 43, as required by the Manual of Patent Examining Procedure (“MPEP”) and Federal Circuit jurisprudence.

As discussed during the interview of May 17, 2006, Hegler discloses a socket connecting section 13 that has a reinforcing rib 17. *See, e.g., Hegler* at col. 2, ll. 45-65. Hegler, however, fails to provide any disclosure of the following features:

- a reinforcement “member” or “coating” that is either “extruded” or “disposed” around “the exterior surface of the female end,” as recited in independent claims 29 and 30;
- a female end that includes “a first material” and a reinforcement member that includes “a second material different from the first material of the female end,” as recited in independent claim 29;
- a “coating” that includes “a portion of material that is different from the material of the female end of the corrugated pipe,” as recited in independent claim 30;
- a female end that includes “a first material,” and a ring that includes “a second material that has a greater structural rigidity than the first material of the female end,” as recited in independent claim 32;
- a reinforcing member that is “coated around an outer surface of the female end,” as recited in new independent claim 43; and
- a female end that “comprises an extruded plastic material,” and a reinforcing member that “includes an extruded plastic material and one or more of a fiberglass material, a carbon fiber material, or a plastic fiber material,” as also recited in new independent claim 43.

These features are simply neither explicitly stated, nor necessarily present within the Hegler patent disclosure, as required by 35 U.S.C. § 102. Instead, Hegler discloses the use of a reinforcing rib 17 that is (1) extruded together with the socket connection section 13, and (2) formed from the same material as the section 13. See, e.g., Figs. 3, 6, and 7. Consequently, Hegler not only cannot anticipate independent claims 29, 30, 32, and 43, but it also teaches away from the claimed invention.

For at least these reasons, Hegler fails to disclose or render obvious each and every element recited in independent claims 29, 30, 32, and 43. Moreover, independent claims 18 and 25 are allowable for at least the same reasons discussed above with reference to the non-prior art status of the Toliver patent. In addition, claims 19-24, 27-28, 31, 33-42, and 44-51, which all depend upon one of the independent claims,

respectively, recite additional features that are neither disclosed nor suggested by each of the applied references, taken either alone or in combination. Since each of the dependent claims not only include the same limitations as independent claims 18, 25, 29, 30, 32, and 43, but also recite these additional limitations, they are allowable for at least the same reasons discussed above with respect to the independent claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of all the pending claims 18-25 and 27-51. Should it be necessary to resolve any additional concerns and expedite the issuance of a Notice of Allowance, the Examiner is invited to contact Applicants' representative at (202) 408-6052.

Please grant any extension of time to the extent required to enter this response and charge any fees required to our Deposit Account No. 06-0916.

Respectfully submitted,

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